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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

DAVE D. PROBERT, an individual, and JACKLYN O. PROBERT, an individual, Plaintiffs, vs. THE CLOROX COMPANY, a California Company, Defendant.	Civil Action No. 1:06 CV 00142 Judge Ted Stewart NOTICE OF PLAINTIFFS' RULE 41(a)(1)(i) VOLUNTARY DISMISSAL WITHOUT PREJUDICE
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Plaintiffs submit this notice of voluntary dismissal without prejudice pursuant to FRCP
41(a)(1)(i).

RELEVANT FACTS

This matter was filed November 14, 2006.

Over time, the parties have sought to resolve the matter through settlement. Over time, Plaintiffs have sought and obtained extensions of time in which to serve Clorox.

To date, no Answer or other response to the Complaint has been filed or served by any Defendant on Plaintiffs.

DISMISSAL WITHOUT PREJUDICE

A complaint may be properly dismissed without prejudice and without order of the court “by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs....” FRCP 41(a)(1)(i).

Plaintiffs hereby voluntarily dismiss this action without prejudice pursuant to FRCP 41(a)(1)(i) as to all Defendants.

Dated this 14th day of October, 2007.

KIRTON & McCONKIE

s/ Todd E. Zenger
Attorneys for Plaintiffs
Todd E. Zenger

CERTIFICATE OF SERVICE

I hereby certify that on this 14TH day of October, 2007, the foregoing NOTICE OF PLAINTIFFS' RULE 41(a)(1)(i) VOLUNTARY DISMISSAL WITHOUT PREJUDICE was electronically filed with the Clerk of the Court, District of Utah, using the CM/ECF system, which sent notification of such filing to the following:

Larry L. Laycock
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

s/ Todd E. Zenger

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